

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Disciplinary action initiated against Sri R.Bala Prasad, formerly Superintendent, Observation Home for Boys (Dismissed), Nizamabad – Charge framed – Inquiry conducted – Inquiry Report communicated – Show Cause Notice issued – Final Orders – Issued.

WOMEN DEVPT., CHILD WELFARE & DISABLED WELFARE (JJ) DEPARTMENT

G.O.Rt.No. 263,

Dated:17-07-2010.

Read the following :-

- 1) Procs.No.EA1/114/99-1, Dt:25.11.99 of the Commr.of JWCS & WSC, AP Hyderabad.
- 2) Procs.No.EA1/1114/99-I, Dt:27.05.2000 of the Commr. Of JWCS & WSC, AP Hyderabad.
- 3) From Sri R.Bala Prasad, RIP, Vijayawada, representation received through Lr.No.28/2000, Dt:10.06.2000
- 4) Procs.No.EA1/202/2007, Dt:22.8.2007 of the Director, JWCS & WSC, Hyderabad.
- 5) From the Hon'ble APAT Order Dt:11.09.2009 in OA.No.6771/2007.
- 6) G.O.Rt.No.364, WDCW&DW (JJ) Dept., Dated 29.11.2008
- 7) From the Hon'ble APAT Order Dt:20.11.2009 in OA.No.5621/2009.
- 8) Govt.Memo.No.PSP/509/JJ/A2/2009, Dated 06.01.2010.
- 9) Procs.No.EA2/7152009, dated 22.01.2010 of the Director, JWCS & WSC, Hyderabad.
- 10) G.O.Rt.No.126, WDCW&DW (JJ) Dept., Dated 12.03.2010
- 11) D.O.Letter No.1792/COI-CK/A2/2008, Dated 12.03.2010.
- 12) Govt.Memo.No.5382/JJ/A2/2004, Dated 27.04.2010.
- 13) From Sri R.Bala Prasad, formerly Superintendent, (Dismissed), Observation Home for Boys, Nizamabad, Written Representation received on 11.05.2010.
- 14) Govt.Memo.No.5382/JJ/A2/2004, Dated 22.06.2010.
- 15) From Sri R.Bala Prasad, formerly Superintendent, (Dismissed), Observation Home for Boys, Nizamabad, Written Representation received on 28.06.2010.
- 16) Govt. Letter No.5382/JJ/A2/2004, Dated:03-07-2010.
- 17) Fax letter No.916/RT-I/1/2010, Dt:09-07-2010 of the Secretary, A.P.Public Service Commission, Hyderabad.

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ORDER :-

Whereas in the reference 1st read above, the Commissioner of JWCS & WSC, AP Hyderabad has placed Sri R.Bala Prasad, formerly Superintendent, Govt. Observation Home for Boys, Gunthakal under suspension under sub-rule (1) of Rule 8 of APSCS (CCA) Rules, 1991 for keeping one inmate, namely Veeresh in his house at Anantapur as bonded labour. for disobeying the rule of Observation Home and for involvement in a Criminal Case Cr.No.62/99 U/s..344, 346, 363, 365, 367, 368, 370 & 374 IPC of II Town Police Station, Gunthakal until conclusion of disciplinary proceedings/termination of all the proceedings relating to the criminal charges. Another Criminal case Cr.No.51/99 was also registered against him in Kasapuram Police Station, U/s.189, 353 and 506 I.P.C. for threatening the Hon'ble Judicial First Class Magistrate-cum-Junior Civil Judge, and Juvenile Court Magistrate, Gunthakal while he was on bench on 22.11.99 to withdraw the complaint filed against him.

(P.T.O)

2) Whereas, in the reference 2nd read above, Articles of Charges under rule 20 of the A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 were issued to Sri R.Bala Prasad, calling for his written statement of defense. In the reference 3rd read above, Sri R.Bala Prasad submitted his written statement of defense with a request to stay the proposed departmental proceedings till conclusion of the criminal cases.

3) And whereas, in the reference 4th read above, orders have been issued dismissing Sri R.Bala Prasad, Supdt., Spl.Home for Boys, Hyderabad from Govt. Service in terms of Rule 9(x) of the A.P. Civil Services (CCA) Rules, 1991 with effect from 6.8.2007 (i.e., from the date of conviction orders passed by the Hon'ble Judicial First Class Magistrate, Gunthakal) for his involvement in a Criminal Case registered against him in Cr.No.51/99 of Kasapuram Police Station for the offence under sections 189, 353 and 506 I.P.C. for threatening the Hon'ble J.F.C.Magistrate, Gunthakal.

4) Taking into consideration of the orders passed by the Hon'ble A.P.Administrative Tribunal, Hyderabad vide reference 5th read above, Government have issued orders vide reference 6th read above, by appointing Smt.Chandana Khan, IAS., Commissioner of Inquiries as Inquiring Authority to conduct a detailed inquiry into all (19) charges framed against the Charged Officer in (5) disciplinary cases in accordance with the provisions of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991. The Inquiring Authority conducted inquiry into all the charges framed against Sri R.Bala Prasad and submitted her Inquiry Report vide reference 11th read above in all the disciplinary cases, wherein she held proved 5 charges of financial irregularities/ misappropriation against the Charged Officer.

5) Meanwhile, taking into consideration of the orders passed by the Hon'ble A.P.Administrative Tribunal, Hyderabad vide reference 7th read above, Government have issued orders in the reference 8th read above, for release of all the retirement benefits pending finalization of the disciplinary case against him. Accordingly, the Director, JWCS & WSC, Hyderabad in the reference 9th read above, has released all the retirement benefits to the individual.

6) In the G.O. 10th read above, Government have issued orders releasing 75 % of Provisional Pension to Sri R.Bala Prasad on his request, basing on the orders passed by the Hon'ble A.P. Administrative Tribunal vide reference 7th read above.

7) A copy of the Inquiry Report was communicated to the charged officer vide reference 12th read above, calling for his representation, if any, on the findings of Inquiring Authority. In the reference 13th read above, Sri R.Bala Prasad has submitted his representation to Government denying the charges held proved against him and requested to drop all the charges.

8) After careful examination of the matter with reference to the findings of the Inquiry Authority and the representation submitted by the charged officer, the Government have decided to impose the penalty of withholding of 50% gratuity ad 50% pension on a permanent basis under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 by treating the suspension period from 29.11.1999 to 4.6.2000; from 7.9.2003 to 24.2.2004; from 7.1.2005 to 28.11.2005; and the dismissal period from 6.8.2007 to 30.11.2008 as '**Not on duty**' under FR 54.

9) In the reference 14th read above, a Notice was issued to the charged officer to show-cause as to why, a penalty of withholding of 50% gratuity and 50% pension on permanent basis under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 besides treating the suspension period from 29.11.1999 to 4.6.2000; from 7.9.2003 to 24.2.2004; from 7.1.2005 to 28.11.2005; and the dismissal period from 6.8.2007 to 30.11.2008 as '**Not on duty**' under FR 54, should not be imposed on him and requested to submit his representation thereon.

10) In the reference 15th read above, the Charged Officer has submitted his reply to the show cause notice wherein he has requested the Government to drop further action in the matter and also to regulate the suspension period and dismissal period as on duty on the contentions stated therein.

11) Government after careful examination of the representation submitted by the charged officer and the findings of the Inquiry Authority, have found no merits in his representation and decided to confirm to the provisional decision already taken in the matter. Accordingly, in the reference 16th read above, Government have requested the Secretary, A.P. Public Service Commission, Hyderabad to obtain and communicate concurrence of the Commission on the proposal of the Government i.e., to impose a penalty of withholding of 50% gratuity and 50% pension on permanent basis under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 besides treating the suspension period from 29.11.1999 to 4.6.2000; from 7.9.2003 to 24.2.2004; from 7.1.2005 to 28.11.2005; and the dismissal period from 6.8.2007 to 30.11.2008 as '**Not on duty**' under FR 54 for the charges held proved against him.

12) In the reference 17th read above, the Secretary, A.P. Public Service Commission, Hyderabad has agreed to the above proposal of the Government and advised accordingly.

13) After careful examination of the entire matter with reference to the findings of the Inquiry Authority, Government have decided to impose the above penalty on the charged officer Sri R.Bala Prasad. Accordingly Government hereby impose the penalty of withholding of 50% gratuity and 50% pension on permanent basis under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 besides treating the suspension period from 29.11.1999 to 4.6.2000; from 7.9.2003 to 24.2.2004; from 7.1.2005 to 28.11.2005; and the dismissal period from 6.8.2007 to 30.11.2008 as '**Not on duty**' under FR 54 on Sri R.Bala Prasad, formerly Superintendent, Observation Home for Boys (Dismissed), Nizamabad.

14) The Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To

Sri R.Bala Prasad, formerly Superintendent, Observation Home
for Boys, Nizamabad through the Director, Juvenile Welfare,
Correctional Services & Welfare of Street Children, A.P. Hyderabad.

The Director, Juvenile Welfare, Correctional Services & Welfare of
Street Children, A.P. Hyderabad (with a request to serve the
above order on the retired officer, obtain his dated
acknowledgement and return).

The Pay & Accounts Officer, A.P. Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.